



DEPARTMENT OF THE NAVY

BOARD FOR CORRECTION OF NAVAL RECORDS

2 NAVY ANNEX

WASHINGTON DC 20370-5100

TJR

Docket No: 1416-99

18 May 2000

[REDACTED]

Dear [REDACTED]

This is in reference to your application for correction of your naval record pursuant to the provisions of Title 10, United States Code, Section 1552.

A three-member panel of the Board for Correction of Naval Records, sitting in executive session, considered your application on 9 May 2000. Your allegations of error and injustice were reviewed in accordance with administrative regulations and procedures applicable to the proceedings of this Board. Documentary material considered by the Board consisted of your application, together with all material submitted in support thereof, your naval record, and applicable statutes, regulations, and policies.

After careful and conscientious consideration of the entire record, the Board found the evidence submitted was insufficient to establish the existence of probable material error or injustice.

The Board found you enlisted in the Navy on 23 August 1961 at the age of 17. Your record reflects that on 2 March 1962 you were convicted by summary court-martial (SCM) of a 48 day period of unauthorized absence (UA). You were sentenced to confinement at hard labor for 25 days, forfeitures totalling \$35, and reduction to paygrade E-1. Shortly thereafter, on 20 June 1962, you were convicted by special court-martial (SPCM) of a 65 day period of UA and sentenced to confinement at hard labor for six months and a \$330 forfeiture of pay. Subsequently, a portion of the confinement and forfeitures were suspended.

On 29 August 1962 you were notified of pending separation action by reason of unfitness. After consulting with legal counsel you waived your right to submit a statement in rebuttal to the discharge. On 5 September 1962 your commanding officer recommended you be issued an other than honorable discharge by reason of unfitness due to frequent involvement of a discreditable nature with military authorities. Subsequently, the discharge authority directed your commanding officer to issue you an other than honorable discharge.

On 19 December 1962 you began a five day period of UA that was not terminated until 24 December 1962. You were also in a UA status from 1 January to 30 March 1963, a period of 87 days. However, the discharge authority took no disciplinary action on the foregoing periods of UA, given the approved administrative separation. Accordingly, on 4 April 1963, you were so discharge.

The Board, in its review of your entire record and application, carefully weighed all potentially mitigating factors, such as your youth and immaturity, letters of character reference, good post service conduct, and your contention that you would like your discharge upgraded. However, the Board concluded these factors were not sufficient to warrant recharacterization of your discharge given your frequent and lengthy periods of UA. Given all the circumstances of your case, the Board concluded the your discharge was proper and no change is warranted. Accordingly, your application has been denied.

The names and votes of the members of the panel will be furnished upon request.

It is regretted that the circumstances of your case are such that favorable action cannot be taken. You are entitled to have the Board reconsider its decision upon submission of new and material evidence or other matter not previously considered by the Board. In this regard, it is important to keep in mind that a presumption of regularity attaches to all official records. Consequently, when applying for a correction of an official naval record, the burden is on the applicant to demonstrate the existence of probable material error or injustice.

Sincerely,

W. DEAN PFEIFFER
Executive Director